

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CONSTELLATION BRANDS,
U.S. OPERATIONS, INC., d/b/a
WOODBIDGE WINERY
Employer

and

Case 32-RC-135779

CANNERY, WAREHOUSEMEN, FOOD
PROCESSORS, DRIVERS AND HELPERS,
LOCAL UNION NO. 601, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., February 26, 2015.

¹ We find no merit in the Employer's contention that the Regional Director improperly "ignored the Board's long established precedent that a plant-wide unit 'is presumptively appropriate.'" That a certain kind of unit is presumptively appropriate means only that a party seeking such a unit need not introduce evidence establishing a community of interest or other factors bearing on unit appropriateness, unless the presumption has been rebutted. It does not alter the longstanding principle that employees may seek to organize in any appropriate unit, which need not be "*the* single most appropriate unit." *Specialty Healthcare & Rehabilitation Center*, 357 NLRB No. 83, slip op. at 9 (2011) (quoting *American Hospital Ass'n v. NLRB*, 499 U.S. 606, 610 (1991)) (emphasis in original) (internal quotation marks omitted), enf'd sub. nom. *Kindred Nursing Centers East v. NLRB*, 727 F.3d 552 (6th Cir. 2013). Because the Petitioner does not seek such a unit, its presumptive appropriateness is irrelevant to the determination whether the petitioned-for unit is appropriate. See *id.* at 7 ("A party petitioning for a unit other than a presumptively appropriate unit ... bears no heightened burden to show that the petitioned-for unit is also an appropriate unit.").